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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,812	11/10/1999	MARK E. PENNELL	003824.P001	8501

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EXAMINER

NGUYEN, QUANG N

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 12/18/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/437,812

Applicant(s)

PENNEL ET AL.

Examiner

Quang N. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 68-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 68-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 December 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

1. This Office Action is in response to the Amendment C filed on 08/13/2003. Claims 68, 76 and 83 have been amended. Claims 1-67 have been cancelled. Claims 68-83 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. **Claim 68-71, 76-78 and 83 are rejected under 35 U.S.C. 102(e) as being anticipated by Gabber et al. (US 5,961,593), herein after referred as Gabber.**

4. As to claims 68 and 71, Gabber teaches a system and method for providing anonymous personalized browsing by a proxy system in a network comprising:

detecting one or more online events in response to one or more commands from a user of a plurality of network sites (when a user site 105a issues a command to access server sites 110g such as WSJ, ESPN, NYT, AMAZON, etc. for requested information or e-mails via a central proxy server 110a, as illustrated in Fig. 2, the central proxy server 110a obtains the required information about the user, removes portions of the browsing commands that would identify the user 105a to server site 110g, and forwards user 105a's original request for access to server site 110g. Also, the central proxy server 110a receives the information, e.g., browsing commands, requested data, e-mail from the server site 110g and forwards the received information to the user site 105a) (Gabber, C7: L62-65, C10: L66-67, C11: L1-5 and C13: L33-37);

accumulating event information corresponding to the online events (central proxy server 110a transmits the substitute identifiers, i.e., the user request without the portion identifying the user 105a, to the server site 110g and receives the information, e.g., browsing commands, requested data, for the user 105a) (Gabber, C13: L33-37); and

presenting presentation information to a user corresponding to the event information (central proxy server 110a receives the requested information from the server site 110g, removes or substitutes portions of the browsing commands/cookies identifying the user 105a to the server site 110g and forwards the received information to the user site 105a) (Gabber, C13: L33-37).

5. As to claim 69, Gabber teaches a method as in claim 68, wherein the detecting comprises receiving an email change or status notification that includes an email address corresponding to the user and one or more of the network sites (central proxy server 110a receives/collects e-mail destined for the user and contained within a plurality of site-specific e-mailboxes) (Gabber, C12: L36-44).

6. As to claim 70, Gabber teaches a method as in claim 68, wherein the detecting comprises monitoring user activity at the one or more network sites (i.e., central proxy server 110a receiving/monitoring user 105a requests for accessing information from server site 110g); and responding to a transaction user activity by generating and forwarding for accumulation a corresponding transaction notification (i.e., central proxy server 110a receives the requested information from the server site 110g, removes or substitutes portions of the browsing commands/cookies identifying the user 105a to the server site 110g and forwards the received information to the user site 105a) (Gabber, C7: L62-65, C10: L66-67, C11: L1-5, C12: L36-56 and C13: L33-37).

7. Claims 76-78 and 83 are corresponding system and computer readable storage medium claims of claims 68-71; therefore, they are rejected under the same rationale.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 72-75 and 79-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gabber, in view of Pepper et al. (US 5,930,700), herein after referred as Pepper.**

10. As to claims 72-75, Gabber teaches the method as in claim 68, but does not explicitly teach the presenting comprises causing an alert/message/popup window corresponding to the notification to be sent to a user device of the user.

In the related art, Pepper teaches a system and method for automatically screening and directing incoming calls, such as telephone calls, faxes, emails, and the like (i.e., alerts corresponding to notifications) to a communication services subscriber, wherein the subscriber maybe notified by an interactive GUI pop-up window about new pending messages (Pepper, Figs. 7 and 10-11, C3: L12-17, C5: L64-67, C6: L1-54, C8: L60-67, C9: L1-11 and C13: L14-22).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify and combine the teachings of Gabber and

Pepper to cause an alert corresponding to the notification to be sent to a user device of the user because it would allow the system controlling the delivery of incoming calls to subscribed user according to the user's schedule/request.

11. Claims 79-82 are corresponding system claims of claims 72-75; therefore, they are rejected under the same rationale.

Response to Arguments

12. In the remarks, applicant argued in substance that

(A) Prior Art does not disclose "detecting the information generated as a result of a user's commands, anonymous or not".

As to point (A), **Gabber** teaches a central proxy server 110a receives user site 105a's commands to access server sites 110g such as WSJ, ESPN, NYT, AMAZON, etc. for requested information or e-mails as illustrated in Fig. 2, the central proxy server 110a obtains the required information about the user, removes portions of the browsing commands that would identify the user 105a to server site 110g, and forwards user 105a's original request for access to server site 110g. Also, the central proxy server 110a receives the requested information, e.g., browsing commands, requested data, e-mail from the server site 110g (**i.e., detecting the information generated as a result of user's commands**) and forwards the received information to the user site 105a (**Gabber**, C7: L62-65, C10: L66-67, C11: L1-5 and C13: L33-37);

(B) Prior Art does not disclose "presenting information or emails to the users".

As to point (B), **Gabber** teaches the central proxy server 110a receives the requested information from the server site 110g, removes or substitutes portions of the browsing commands/cookies identifying the user 105a to the server site 110g and forwards the received information to the user site 105a (**Gabber**, C13: L33-37). Hence, **Gabber** does teach "presenting information or emails to the users".

13. Applicant's arguments as well as request for reconsideration filed on 08/13/2003 have been fully considered but they are not deemed to be persuasive.

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (703) 305-4003. The fax phone number for the organization is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Quang N. Nguyen


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER